

REMARKS

This is a full and timely response to the outstanding final Office Action mailed May 29, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

Claims 29, 30, and 41 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Lobiondo* (U.S. Pat. No. 5,287,194). Applicant respectfully traverses.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b). In the present case, not every feature of the claimed invention is represented in the *Lobiondo* reference. Applicant discusses the *Lobiondo* reference and Applicant's claims in the following.

A. The Lobiondo Disclosure

Lobiondo discloses a distributed printing system in which printer jobs are allocated according to a plurality of criteria. *Lobiondo*, Abstract. As described by *Lobiondo*, a user can send a document to a common printer spooling area and then enter the time when completion of the job is required and "any other criteria associated with a print job" into memory of a print spooler. *Lobiondo*, column 4, lines 35-46. A scheduler 50 then analyzes printers 10 available on the network and determines which printers are capable of producing the job. *Lobiondo*, column 4, lines 46, 50. Next, the printers of the type

capable of producing the job are checked for availability. *Lobiondo*, column 4, lines 50-52.

B. Applicant's Claims

As noted above, *Lobiondo* fails to teach several of Applicant's claim limitations. Applicant discusses some of those claim limitations in the following.

Applicant's independent claim 29 provides as follows (emphasis added):

29. A printing method comprising:

receiving via a network a print command and user parameters that are to be used to select a printer, *the print command and user parameters having been provided using a network browser*, the user parameters including a printer location parameter *and* an expected print time parameter that reflects the time in which a printer is expected to complete the user's print job;

searching a plurality printers for a printer that satisfies the received user parameters;

identifying at least one candidate printer that satisfies the received user parameters;

determining in real-time the availability of the at least one candidate printer,

determining in real-time whether the user's print job can be completed in the expected print time;

selecting a printer from the at least one candidate printer;
providing information as to the status of the selected printer and a real-time countdown as to when the print job can be completed by the selected printer;
determining if the user would like to use the selected printer; and
if the user would like to use the selected printer, forwarding the print command to the selected printer to enable the selected printer to print a document for the user.

**1. Failure to Teach a Print Command and User Parameters
“Provided Using a Network Browser**

As a first matter, Lobiondo does not teach receiving via a network a print command and user parameters, “the print command and user parameters having been provided using a network browser”. Specifically, Lobiondo says nothing of a “network browser” being used to send a print command or user parameters.

In the final Office Action, the Examiner asserts that Lobiondo’s “user interface 40” reads on a “network browser”. This is clearly untrue. First, as shown in Lobiondo’s Figure 2, Lobiondo’s “user interface 40” is a computer monitor. Clearly, a computer monitor is not a “network browser”. Furthermore, Applicant submits that the term “network browser” is well understood by persons having ordinary skill in the art to comprise a software program through which network pages, such as HTML web pages, can be accessed and viewed. Lobiondo describes no such program in association with

the printer 10 and does not state that the printer can be used to “surf” a network like a network browser.

In response to the Examiner’s assertion that “User interfaces of workstations are well-known in the art to be GUIs, network/web browsers, numerical key/touch pads, etc.” Applicant notes that it is clearly not “well-known” to provide network/web browsers on a printer as the Examiner appears to be suggesting through his reliance on the “user interface 40.” Regardless, even if such an arrangement were well known, that arrangement is simply not taught by Lobiondo either explicitly or inherently. Therefore, the Examiner fails to state a proper case of anticipation under 35 U.S.C. § 102. If the Examiner wishes to make arguments as to what have been obvious, the Examiner should have rejected the claims under 35 U.S.C. § 103, not 35 U.S.C. § 102.

2. Failure to Teach User Parameters Including a “Location Parameter and an Expected Print Time Parameter”

Second, Lobiondo does not teach that the user parameters include “a printer location parameter *and* an expected print time parameter that reflects the time in which a printer is expected to complete the user’s print job” (emphasis added). Although Lobiondo generally discusses considering location or timing issues, Lobiondo does not state that *both* factors are used at the same time when selecting a printer. Indeed, Lobiondo expressly teaches away from such operation in column 5 in which Lobiondo states that “the user is not required to enter time constraints” when a designated print location is to be specified. *Lobiondo*, column 5, lines 15-18.

3. Failure to Teach “Providing Information as to the Status of the Selected Printer and a Real-time Countdown as to when the Print Job Can be Completed”

Third, Lobiondo does not teach “providing information as to the status of the selected printer and a real-time countdown as to when the print job can be completed by the selected printer”. Regarding that limitation, Lobiondo describes nothing that could reasonably be termed a “real-time countdown” as to when a print job can be completed. Column 4, lines 22-29, 50-52, and 30-34 of the Lobiondo reference, which are relied upon by the Examiner, are devoid of any such teaching.

In view of the apparent lack of teaching as to the above limitation, Applicant requested that the Examiner identify with greater specificity where Lobiondo actually discloses providing information as to the status of the selected printer and a real-time countdown as to when the print job can be completed by the selected printer in those portions of the Lobiondo reference. In reply, the Examiner stated in the final Office Action: “Lobiondo teaches feedback (confirmation to the user) is given by the scheduler about the location that is printing the print job as well as an estimated completion time, col. 6, lines 41-49.” *Final Office Action*, page 4. That portion of the Lobiondo disclosure provides:

Any job which has been scheduled will include feedback to the user which signifies that the job is in the system and will be completed by the required completion time or an estimated time. The scheduler 50 can predict when

the print job will be completed and send this information to the user through the User Interface 40. This can be accomplished according to the disclosure of U.S. Pat. No. 5,036,361 to Fillion et al., incorporated herein by reference.

Lobiondo, column 6, lines 41-49. As is apparent from the above, all that Lobiondo discloses is that a completion time “estimate” or “prediciton” is provided to the user once a print job has been assigned to the printer. Such a prediction or estimate clearly is not the “status of the selected printer” or a “real-time countdown” as to when the print job will be completed. A one-time completion prediction is no “real-time countdown” as to completion time.

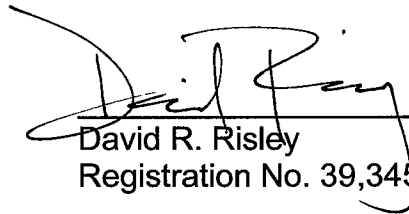
4. Summary

In view of the above, Applicant submits that claim 29 and its dependents are allowable over the Lobiondo reference. Applicant therefore respectfully submits that the rejections should be withdrawn.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



David R. Risley
Registration No. 39,345